

**New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island
Wednesday, May 2, 2012
7:00 p.m.**

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilors Peter B. Baute, Kenneth C. Lacoste and Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Town Clerk Fiona Fitzpatrick, who took the minutes of the meeting.

Call to order: First Warden Kimberley Gaffett called the meeting to order at 7:00.

Warden's Report: Ms. Gaffett reported thanks are in order for Mark Emmanuelle for retouching the sign at the Fred Benson Beach. The Governor has signed the Warden's Court legislation which will allow the Court to increase fines from the current limit of \$20 to a maximum of \$200. Mr. Torrey reported Governor Chafee will be the guest at the June 13, 2012 Washington County Regional Planning Council meeting. Mr. Torrey will talk to him about the reasons for the Island's strong opposition to the proposed rental room tax.

Public Input

Councilor Martin reported he helped move the fiberglass building from Old Harbor to the Power Company where it will be used for homeland security purposes.

1. Act on Loan Resolutions for USDA Loans/Grants

- Renovations to Sewer Plant (\$219,000 loan/\$213,780 grant)
- Water System Improvements (\$123,000 loan/\$100,630 grant)

Town Manager Dodge said the water loan/grant is an amendment to the 2010 water grant which will allow rehabilitation of reverse osmosis unit 3 and increase its production by up to 60%. The sewer loan/grant will be used to for the stack extension, electrical work, and to add surveillance and radio communication to five pump stations. The 40 year loan is 45% of the project funding, the remaining 55% is a grant from the USDA.

Dr. Baute moved to authorize the signing of the loan resolutions as described by the Town Manager, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

2. Act on J. Pfarr letter re: Surf Hotel and request for relief under New Shoreham Liquor License Rules and Regulations, Section II (E.) New License Applications, Relief

Cindy Pappas was present for Mr. Pfarr and the owners of the Surf. She explained that the prominent Dodge Street property has been closed for six seasons despite the best sales efforts of the realtors to find a buyer. The owners have struck a deal with a management company to run the hotel this summer, and they need a restaurant and liquor license to make it worthwhile. A letter was received from Mr. Pfarr requesting relief from Section II (E) of New Shoreham's liquor rules and regulations because the management opportunity arose after the application deadline under the regulations, and because having the Surf operating is a public benefit. Discussion ensued.

Dr. Baute moved to grant the request for relief for the applicant to go forward with the hearing process, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

A license hearing will be scheduled administratively when a completed application is received in the Clerk's Office.

3. Act on Motor Vehicle for Hire recommendations re: annual license and waiting list renewals, new license

The Commission on Motor Vehicles for Hire sent a memorandum requesting the Town Council to take action as follows:

Taxi Renewals: The MVFH Commission recommended the Town Council renew taxi licenses for May 2012-2013 for Martha Ball, Oscar Berlin, Victoria Carson, Judy Clark, Muriel Clark, Mary Donnelly, Gloria Hall Dubert, Marcel Dulac, Mark Emmanuelle (if needed), Nat Gaffett, Richard Gann, Jon Grant, Geoffrey Hall, Deborah Hart, Monica Hull-Shea, Avery Kirby, Everett Littlefield, Vincent McAloon, Timothy McCabe, Edward McGovern, Frances Migliaccio, Florence Millikin,

William Millikin, Frank Nicastro, Christopher O'Neill, Cathy Payne, Henry Peterson, Maureen Quackenbush, James Rondinone, David Schaller, Sue Ann Shaw, Michael Shea and Champlin Starr, all pending receipt of the appropriate paperwork and fees. Mark Emmanuelle has the option of picking up his first license in 2011-2012 or 2012-2013. Noted: Howard Ballard chose not to renew his license.

New Taxi License: The MVFH Commission voted to recommend that the Town Council grant the vacant taxi license to Fred Leeder. The Commission found Mr. Leeder was first on the waiting list and continued to meet the criteria required for a license. Please consider granting a 2012 taxi license pending receipt of appropriate paperwork and fees.

Taxi Wait List: The wait list will be forwarded to the Town Council for action when an anticipated appeal has run its course with the MVFH Commission.

Bus License: The MVFH Commission voted to recommend the Town Council renew bus licenses for May 2012-2013 for William McCombe and Howard Rice.

Bus Wait List: The MVFH Commission voted that the Town Council accept the bus wait list: #1 Patrick Evans.

Limousine License: The MVFH Commission was notified that the recently granted limousine license will not be picked up; two limousine licenses are vacant. No action is required.

First Warden Gaffett moved to grant the requests as recommended by the New Shoreham Commission on Motor Vehicles for Hire, seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

4. Boards, Committees and Commissions:

- Act on appointments: Senior Advisory Committee

Mr. Martin moved to appoint Ann Henault to the Senior Advisory Committee to serve out Janet Merrit's unexpired term, seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

- Announce current Board, Committee and Commission openings

The First Warden announced there are no openings on Boards, Committees and Commissions at this time.

5. Act on TNS Planning Board letter re: setting a public hearing date for consideration of a Block Island Energy Plan component to the Comprehensive Plan

Dr. Baute moved to schedule a public hearing to consider adoption of the Energy Component of New Shoreham's Comprehensive Plan on Monday, June 4, 2012. The motion as seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

6. Authorize Town Manager to execute the license with the Army Corp of Engineers for the East Dock, due to expire May 14, 2012

The Town Manager said the town leases the east dock from the Army Corp of Engineers in ten year spans. She recommended the Council allow her to execute the lease so the town may collect wharfage. Discussion of picnic tables or benches on the new dock or on adjacent land.

Mr. Martin moved, seconded by Mr. Lacoste, to authorize the Town Manager to execute the lease with the Army Corps of Engineers for the East Dock, due to expire May 14, 2012.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

7. Receive and act on C. Warfel letter re: TNS Wind Ordinance

Chris Warfel was present. Discussion ensued of his letters of February 27, 2012 in which he asks that Zoning Section 508 Wind Energy Conversion Systems be examined and updated to reflect recent changes in technology, and of March 8, 2012 in which notes industry changes have developed wind turbines which do not appear to fit within the confines of the existing ordinance.

Mr. Torrey moved, seconded by Dr. Baute, to direct the Planning Board to undertake a review of the current wind ordinances for the purpose of updating the ordinances to reflect recent technological changes in the wind energy industry.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

8. Receive update from TNS Police Chief Carlone re: summer public safety

The Chief was present. He and the Town Manager have had a series of meetings with the State Police, including recent meeting with State Police, the State Fire Marshal's Office, Narragansett and South Kingstown Police, and the PUC.

- The Chief is working out the logistics required for mass arrests.
- State police have agreed to send extra troopers.
- Plans have been made to disburse the crowd before it forms this year.
- Signs will be posted at east beach entrances advising that it is illegal to possess alcohol on the beach
- Police in Narragansett and South Kingstown have agreed to do what they can to intervene before the crowds get on the ferry in Pt. Judith.
- The Fire Marshals will be checking capacity in bars and clubs the week of July 4th.
- The Disaster Medical Action Team (DMAT) team from South Kingstown has been contacted and arrangements are being made for their assistance on July 4.
- The Chief will ask for civilian volunteers for the day to behind the scenes, possibly with paperwork.
- Changes to state law allow the Town to levy heavier fines for drinking in public. Another change will make containers of alcohol, whether open or closed, illegal on the beach. It is hoped word will spread quickly after a few tickets for \$150 are issued.
- State Police will use technology to troll social media for messages about possible mass gatherings. The police will respond with messages that say drinking on the beach is illegal and people will be arrested and fined.
- Print and broadcast ads will be used to spread the word that drinking on the beach is illegal and people will be arrested.
- Interstate Navigation will hand out NSPD flyers

9. Discuss draft options for proposed changes to the TNS Ordinances Sec. 20-9 Containers of alcoholic beverages

It is already illegal to consume alcohol in public. After discussions with the Police Chief, the Council asked the attorney to draft an ordinance amendment that would prohibit closed containers of alcohol on the beach. Two versions were offered. Both add "beaches" to the public properties where alcohol consumption is prohibited. One version also prohibits closed containers of alcohol on the beach at any time; the other version allows the Town Council to prohibit closed containers on beaches when needed for public safety, etc. Discussion ensued, Council members said it was important to send a consistent message and they preferred the overall prohibition. The Police Chief said he could not effectively enforce the prohibition at all times without more personnel. The Chief agreed to address the "Mohegan Bash."

First Warden Gaffett moved to set a public hearing at 7:00 p.m. June 4, 2012 for changes to the Town's General Ordinances prohibiting closed containers of alcohol on the beach. The motion was seconded by Second Warden Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

10. Minutes: March 1, 2012 open and closed

Ms. Gaffett moved to approve the minutes of March 1, 2012, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

11. Discussion regarding Deepwater Wind request for easements/leases [this item may be heard in closed session pursuant to Rhode Island General Laws §42-45-5(A)(5)]

At 8:05 Ms. Gaffett moved to enter closed session pursuant to Rhode Island General Laws §42-45-5(A)(5), seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

At 8:30, Mr. Martin moved to adjourn the closed session and seal the minutes of the meeting.
Motion seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

First Warden Gaffett resumed the open session meeting and announced no motions were made during the closed session.

The Council scheduled a final budget discussion for 12:00 noon on Monday.

At 8:35 Mr. Torrey moved to adjourn the meeting, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Minutes approved July 2, 2012

Fiona Fitzpatrick
Town Clerk